

## WESTERN AREA PLANNING COMMITTEE

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### DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 12 AUGUST 2015 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

Cllr Christopher Newbury (Chairman), Cllr John Knight (Vice-Chair), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett, Cllr Magnus Macdonald, Cllr Horace Prickett, Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While

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#### 74 **Apologies for Absence**

There were no apologies from members of the Committee, but apologies for absence were received from Cllrs Rosemary Brown and Nick Blakemore who had hoped to attend.

#### 75 **Minutes of the Previous Meeting**

The minutes of the meeting held on the 1 July 2015 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 1 July 2015 subject to the amendment of the spelling of a name.**

#### 76 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

#### 77 **Declarations of Interest**

Cllr Jonathon Seed declared that he did know the applicant in relation to item 6 e) – 15/05186/FUL, but that this relationship was not an impediment to his participation in the consideration of the application.

#### 78 **Public Participation and Councillors' Questions**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

**79 14/01659/FUL - Haygrove Farm, 44 Lower Westwood, Bradford on Avon**

Public participation:

Paul Oakley spoke in support of the application.

The Area Team Leader outlined the report that recommended that the application be approved with conditions and invited members to consider setting aside the extant resolution to tie any permission to a s106 legal agreement.

Issues discussed in the course of the debate included: the implications of the previous permission granted; and whether there was a necessity in planning terms for a s106 agreement. The officer summarised the additional information submitted by the applicant for member's consideration which related to personal finance and commercial viability. The officer also asked members to consider the implications of planning decisions made by Wiltshire Council since the beginning of 2014 and up until the date of the committee meeting (affecting all three hubs) regarding other holiday let accommodation proposals which were granted permission subject to occupancy condition restrictions only without a legal tie throughout rural Wiltshire in protected landscapes such as the Green Belt, AONBs and for sites affecting heritage assets. A recent appeal decision relative to a site in Little Ashley was also highlighted for members attention since it specifically looked at the reasonableness of planning condition occupancy restrictions. Updates made to the committee report were also highlighted.

Members of the public were invited to speak on the application as listed above.

Cllr Magnus MacDonald spoke as the local member.

Cllr Magnus MacDonald proposed, subsequently seconded by Cllr Trevor Carbin, that the Committee should remove the requirement in the approval, previously made, for a s106 agreement.

Having been put to the vote, this motion was lost.

The meeting noted that the original resolution, made at their meeting on the 30<sup>th</sup> April 2015, to grant permission for the above development subject to planning conditions and to the prior completion of a Section 106 legal agreement to restrict the occupancy of the accommodation to holiday accommodation only, remained unchanged.

The Committee then resolved to move to the next item of business on the agenda.

**80 15/03114/FUL - Land at 119 St. Thomas Road, Trowbridge**

Public participation:

Graham Jones, Christopher Turnball and Simon Selby spoke in objection to the application.

The Senior Planning Officer outlined the report that recommended that the application be approved with conditions.

Cllr John Knight spoke on behalf of the local member Cllr Nick Blakemore.

Issues discussed in the course of the debate included: the location of the proposal and its relationship to buildings in the vicinity; the parking and access arrangements; the impact of the proposals on the street scene; the views of the neighbours and the possible impact of the proposals on their amenity.

Members of the public were invited to speak on the application as listed above.

Cllr Jonathon Seed proposed, subsequently seconded by Cllr Roy While, that the Committee should approve the application as per the officer's recommendation detailed in the report.

Following a proposal by Cllr Andrew Davis, Cllrs Seed and While agreed to incorporate an amendment to their substantive motion that an additional condition be made to remove permitted development rights in relation to further development.

Having been put to the vote, the meeting;

**Resolve to grant permission subject to the following conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

- 2 No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**REASON: In the interests of visual amenity and the character and appearance of the area.**

- 3 The development hereby permitted shall not be first brought into use until the access and parking spaces have been consolidated and**

surfaced (not loose stone or gravel). The access and parking area shall be maintained as such thereafter.

**REASON:** In the interests of highway safety.

- 4 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

**REASON:** To ensure that the development can be adequately drained.

- 5 No development shall commence on site until a scheme of hard and soft landscaping and boundary details has been submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any such works. The works shall then be carried out strictly in accordance with the approved details.

**REASON:** To ensure a satisfactory landscaped setting for the development

- 6 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or

without modification), there shall be no first floor windows on the south west elevation and north east elevation.

**REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for such additions.

- 8** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Schedule 2, Part 1, Classes A-E shall take place on the dwellinghouse hereby permitted or within its curtilage.

**REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

- 9** The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing reference 648/BL registered on 02 April 2015  
Drawing reference 648/01b received by email on 08 July 2015  
Drawing reference 648/SP registered on 02 April 2015  
Drawing reference 648/S01 registered on 02 April 2015

**REASON:** For the avoidance of doubt and in the interests of proper planning.

**INFORMATIVE:** The applicant is advised to contact Wessex Water direct on 01225 526 000 with regard to the connection of water and waste supplies for this proposed development.

**81 15/04899/FUL - 17 Palairt Close Bradford on Avon**

Public participation:

Isobell Guttridge, Christine Steel and Esther Harris spoke in objection to the application; Paul Gould spoke in support of the application and Cllr Gwen Allison spoke on behalf of Bradford-on-Avon Town Council.

Cllr Magnus MacDonald spoke on behalf of member Cllr Rosemary Brown.

The Senior Planning Officer outlined the report that recommended that the application be approved with conditions.

Issues discussed in the course of the debate included: the existence of covenants and the relevance of planning conditions; the layout and the material for the proposals; the impact of the proposals on the amenity of neighbours; the implications conditions of the original permission; the ownership and the responsibility for the maintenance of the land; the views of the residents and the petition received in objection to the application; the intention of the original development; and the impact of the proposals on the landscape environment.

Members of the public were invited to speak on the application as listed above.

Members discussed the public concerns and the relevance of other planning permissions and refusals in the area. Cllr Magnus MacDonald proposed, subsequently seconded by Cllr Ernie Clark, that the application be refused for the reason that the height and relocation of the boundary wall encroaching on land to the side of the property, would be visually intrusive in the street scene and harmful to the openness and historic spatial characteristics of the area.

Having been put to the vote, the motion was lost.

Cllr Andrew Davis proposed, subsequently seconded by Councillor Horace Prickett, that the Committee should approve the application as per the officers recommendation detailed in the report.

Having been put to the vote, the meeting;

**Resolved that the application be approved subject to conditions.**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.**

**REASON: In the interests of visual amenity and the character and appearance of the area.**

- 3 No part of the development shall be brought into use until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.**

**REASON: In the interests of highway safety**

**4 The development hereby permitted shall be carried out in accordance with the following approved plans:**

- **Plans and elevations as proposed dated April 2015**
- **Plans and elevations as existing dated April 2015**
- **Block Plan dated May 2015**

**REASON: For the avoidance of doubt and in the interests of proper planning.**

**5 No part of the development shall be brought into use until the area between the nearside carriageway edge and a line drawn 2.0 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 600mm above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.**

**REASON: In the interests of highway safety.**

**82 15/05185/FUL - 30 Palairet Close Bradford on Avon**

Public participation:

Isobell Guttridge, Christine Steel and Esther Harris spoke in objection to the application, and Cllr Gwen Allison spoke on behalf of Bradford-on-Avon Town Council.

The Senior Planning Officer outlined the report that recommended that the application be approved with conditions.

Issues discussed in the course of the debate included: the size and elevation of the application; the proposal to realign the wall; the implications on preserved trees and the views of the Arboricultural Officer; the layout and the material for the proposals; and the impact of the proposals on the amenity of neighbours.

Members of the public were invited to speak on the application as listed above.

Councillor Magnus MacDonald confirmed that the statement, previously read out on behalf of Cllr Rosemary Brown in relation to previous application, was applicable to this application too.

Cllr MacDonald proposed refusal which was subsequently seconded by Cllr Carbin for the reason that the proposed re-alignment of the boundary wall would adversely impact the trees subject of a Tree Preservation Order and remove one tree and some visual open space from the public realm which would adversely affect the character and appearance of the open plan estate contrary to Core Policy 51 and Core Policy 57 of the Adopted Wiltshire Core Strategy.

Having been put to the vote, the meeting unanimously:

**Resolved to refuse the application.**

**Reason: That the proposed re-alignment of the boundary wall would adversely impact the trees subject of a Tree Preservation Order and remove one tree and some visual open space from the public realm which would adversely affect the character and appearance of the open plan estate contrary to Core Policy 51 and Core Policy 57 of the Adopted Wiltshire Core Strategy.**

83 **15/05186/FUL - The Long Barn Cumberwell Farm Great Cumberwell Bradford on Avon**

Public participation:

There were no representations received from members of the public.

The Senior Planning Officer outlined the report that recommended that the application be approved with conditions.

Issues discussed in the course of the debate included: that the application was retrospective; whether the building was suitable for agricultural use; the materials that the new building was constructed; the impact of the development on the landscape; the size and nature of the farm and its agricultural use; and the size and function of the windows.

Cllr Trevor Carbin proposed, subsequently seconded by Cllr Ernie Clark, that consideration of the application be deferred to enable more information to be collated and to enable a site visit to take place.

Having been put to the vote, the meeting unanimously:

**Resolved that consideration of the application be deferred to enable more information to be requested from the applicant's agent to assist members appreciate the extent, form, means of construction and appearance of the former barn which has been removed and replaced on site; and to enable a member site visit to take place at a future date.**

*Admin Note: The meeting noted that the date for the site visit would be set at the next meeting on 2 September.*



84 **Corsley 29 (Pt) Diversion Order and Definitive Map and Statement Modification Order 2015**

The Team Leader for the Highways Record Team presented the report which outlined the recommendation.

Issues discussed in the course of the debate included: the history of the site and the footpath; that views of the affected land owners; and the views of the parish council and the objector.

Cllr Jonathon Seed asked the officer to reply, at a later date, how many hours had she spent, once the objection had been submitted, in preparing report for committee.

Cllr Horace Prickett, subsequently supported by the meeting, that the officer be commended for their hard work in preparing the matter for the Committee.

There were no representations made by the public.

Cllr Pip Ridout proposed, subsequently seconded by Cllr Ernie Clark, that the officer's recommendation as set out in the report be approved.

Having been put to the vote, the meeting unanimously:

**Resolved:**

**That "The Wiltshire Council Corsley 29 (part) Diversion Order and Definitive Map and Statement Modification Order 2015", be forwarded to the Secretary of State for the Environment, Food and Rural Affairs for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification.**

**Reason for Decision:**

Despite the objection received it is considered, for the reasons given in paragraphs 3.6.a to 3.7.d the Decision report (please see Appendix C), and in paragraphs 15 to 19 above, that "The Wiltshire Council Corsley 29 (part) Diversion Order and Definitive Map and Statement Modification Order 2015" continues to meet the legal tests for the making of a Diversion Order under Section 119 of the Highways Act 1980; and

Additionally, the legal tests for the confirmation of a Public Path Diversion Order, as set out under Section 119 of the Highways Act 1980, appear capable of being satisfied and no new evidence has been submitted during the formal objection period which would lead Wiltshire Council to no longer support the making of the Order.

85 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 5.20 pm)

The Officer who has produced these minutes is Will Oulton, of Democratic Services,  
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